

FILED

OCT 22 2020

IN THE MATTER OF THE SEIZURE OF  
THE CONTENTS UP TO \$3,500 FROM  
CITIZENS NATIONAL BANK (CNB),  
ACCOUNT NUMBER 4228217, ACCOUNT  
NAME PEGGY ANGELINA BOONE

Clerk, U. S. District Court  
Eastern District of Tennessee  
At Knoxville

Case No. 3:20 MJ- 2225

**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR SEIZURE WARRANT**

I, Matthew Short, being first duly sworn under oath, state the following to be true to the best of my knowledge, information, and belief:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since March 2019. I am a “federal law enforcement officer” within the meaning of Rule 41 of the Federal Rules of Criminal Procedure. My primary duties and responsibilities involve the investigation of violations of federal law, including complex financial crimes as found in 18 U.S.C. §§ 1341, 1343, 1344, 1349, and 1956. I am currently assigned to the Knoxville Field Office of the FBI and am assigned to the White Collar Squad. During my tenure as a Special Agent, I have investigated complex financial crimes including, but not limited to, frauds and swindles involving bank fraud, wire fraud, mail fraud, securities and commodities fraud, and extortion. More specifically, I have conducted physical surveillance, assisted in the execution of search warrants, analyzed bank, phone, and internet records, and conducted arrests of criminal subjects. I have also spoken to confidential human sources, suspects, defendants, witnesses, and other experienced investigators concerning the methods and practices of the criminal element. I have gained experience through training at the FBI Academy, including training pertaining to interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant

applications, and various other crimes and investigative techniques. I have had the opportunity to observe and review numerous cases and methods used by white collar criminals.

2. I am submitting this affidavit in support of an application for the issuance of a seizure warrant for funds up to the amount of \$3,500 from Citizens National Bank (CNB), account number 4228217, routing number 091202325 (TARGET ACCOUNT), in the name of Peggy Angelina Boone, which are traceable to wire and mail fraud.

3. The FBI is engaged in an investigation of counterfeit checks against an individual using the name Ronald Jones who appears to use unsuspecting victims as facilitators of the scheme.

#### **PROBABLE CAUSE CONCERNING FRAUD**

4. Peggy Angelina Boone (BOONE), of Sevierville, Tennessee, was contacted via www.indeed.com by an unknown subject assuming the persona of Ronald Jones (JONES) regarding an opportunity to work from home. JONES supplied BOONE with check images and instructed BOONE to print check images and mail them to the respective payees. Over approximately six weeks, BOONE mailed in excess of 750 counterfeit checks. BOONE received a \$3,500 Zelle<sup>1</sup> deposit into TARGET ACCOUNT on June 22, 2020. TARGET ACCOUNT was opened on June 16, 2020, just four days prior to the deposit. The deposit came from an account held by an individual in Arizona named Dana Hicks. JONES instructed BOONE to purchase \$3000 worth of Bitcoin associated with a Bitcoin wallet number provided by JONES and to keep \$500 for BOONE's efforts.

---

<sup>1</sup> Zelle is a digital payment network application that is embedded in many banking applications that allows users to send and receive money directly into their bank account.

5. BOONE went to CNB with the intention of purchasing Bitcoin after the money was deposited into her account. After being advised that the bank did not sell Bitcoin, BOONE was questioned by the bank about the intent of the inquiry. BOONE then revealed the scenario described herein and was advised that the matter was likely a scam. BOONE was cooperative with bank personnel and revealed outstanding checks in her possession that she intended to mail. BOONE left CNB and returned shortly with another 159 counterfeit checks. Those checks were seized by the bank, and subsequently turned over to the FBI, and their face value was in excess of \$600,000. BOONE provided mailing labels and a large stack of receipts showing tracking numbers of the packages that were received. The checks were in United States Postal Service (USPS), United Parcel Service (UPS), and FedEx packages. CNB proceeded to put a hold on the bank account and advised BOONE that the account would be closed due to security reasons.

6. Insofar as criminal forfeiture is concerned, I know that a protective order would be inadequate to ensure the preservation of the funds in the TARGET ACCOUNT because funds stored electronically in bank accounts can be easily and almost instantaneously transferred from remote locations, and that financial institutions do not always act promptly to make all of their employees aware of restraints that are placed on such funds. Courts have routinely issued seizure warrants, rather than restraining orders, in cases where the property was highly fungible. It is the nature of the property itself which is sufficient for the court to find that a restraining order may be inadequate. *United States v. Swenson*, 2013 WL 3322632 (D. Idaho July 1, 2013) (the court is entitled to infer from the inherent fungibility and transferability of money in a bank account that a restraining order would be inadequate); *United States v. Lewis*, 2006 WL 1579855, \*5 (D. Minn. June 1, 2006) (vehicles and funds in a bank account may be seized pursuant to section 853(f)

because both can easily be moved or transferred; a restraining order would be inadequate); *United States v. Wiese*, 2012 WL 43369, \*2 (E.D. Mich. Jan. 9, 2012) (§ 853(f) warrant may be used to seize funds in a bank account because they may be easily moved); *United States v. Martin*, 460 F. Supp. 2d 669, 667 (D. Md. 2006) (finding probable cause to believe that a restraining order would not have been adequate to maintain fungible, transferable property such as cash or money seized from a bank account), *aff'd* 662 F.3d 301, 304 n.6 (4th Cir. 2011). Moreover, I also know that a restraining order can be violated with ease and that there is no guarantee that a restraining order will prevent the dissipation of the asset, including ensuring the asset is not encumbered through liens and cross-collateralization.

7. Moreover, with respect to civil forfeiture of fungible property, such as funds deposited in an account at a financial institution, I know that it is unnecessary “for the Government to identify the specific property involved in the offense that is the basis for the forfeiture; and that any identical property found in the same place or account as the property involved in the offense that is the basis for the forfeiture shall be subject to forfeiture.” 18 U.S.C. § 984. With respect to tracing, it is not a defense that the property involved in the offense underlying the basis of forfeiture has been removed and replaced by identical property, so long as the United States commences a civil forfeiture action within a year of the offense. 18 U.S.C. § 984(a)(2).

8. Based upon the foregoing information, it appears that the CNB account contains funds constituting or traceable to funds constituting proceeds of JONES’s violations of 18 U.S.C. §§ 1341 and/or 1343. It further appears that the CNB account contains proceeds traceable to funds that were involved in violations of 18 U.S.C. §§ 1341 and/or 1343. As a result, such funds are subject to civil forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C); and are

subject to criminal forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461. The funds are subject to seizure in accordance with 18 U.S.C. §§ 981(b) and 21 U.S.C. § 853(e) and (f) by 18 U.S.C. § 982(b)(1). As such, the United States seeks the issuance of a warrant providing seizure of funds in the amount of \$3,500 in Citizen's National Bank, account number 4228217, routing number 091202325, in the name of Peggy Angelina Boone, which constitutes proceeds traceable to mail and/or wire fraud.

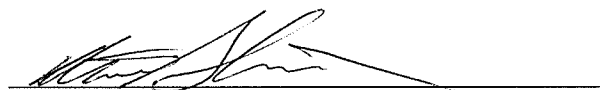
9. The events described herein occurred and are situated in the Eastern District of Tennessee and elsewhere.

10. Accordingly, pursuant to 18 U.S.C. § 981(b)(1)(3), “ a seizure warrant may be issued...by a judicial officer in any district in which the forfeiture action against the property may be filed under section 1355(b) of Title 28, and may be executed in any district in which the property is found.”

**CONCLUSION**

11. Based upon all of the foregoing information, probable cause exists to believe that JONES has committed violations of federal law including mail fraud and/or wire fraud. Furthermore, I have probable cause to believe that funds in the amount of \$3,500 in Citizen's National Bank, account number 4228217, routing number 091202325, in the name of Peggy Angelina Boone, are subject to seizure and forfeiture.

FURTHER THIS AFFIANT SAYETH NOT.



Matthew Short  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this 15 day of October, 2020.



H. BRUCE GUYTON  
United States Magistrate Judge  
Eastern District of Tennessee